IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 946 OF 2006
IN
CRIMINAL APPEAL NO. 767 OF 2006.

Sanjay Dattaram Gawde and another ..Petitioners.
V/s
The State of Maharashtra ..Respondents.

Mr. Nitin Sejpal, Advocate for the petitioners.
Mr. Rajesh More, A.P.P for the State,.

CORAM : J.H. BHATIA, J.

DATE : 17TH JANUARY, 2007.

P.C.

1. The applicants are appellant Nos. 1 and 2 in Criminal Appeal No. 767/2006, in which they have challenged their conviction and sentence for the offence punishable under section 492 r/w section 451 of Indian Penal Code. Applicant No.1, who is accused No.1, was sentenced to undergo R.I. for 4 years and to pay fine of Rs. 500/- and applicant No.2, who is accused No.4, was sentenced to undergo R.I. for 7 years and to pay fine of Rs.500/- The appeal is admitted. By this

application, the applicants seek to be released on bail.

2. Heard Mr. Sejpal, learned Counsel for the applicants and Mr. Rajesh More, learned APP for the State. Mr. Sejpal pointed that the present applicants were on bail during the trial and there is no allegation that they have misused the bail. Further, he also tried to point out certain discrepancies in the evidence pertaining to the identification of culprits. On the other hand, Mr. More, A.P.P. contended that the antecedents of the present applicants show that they are involved in number of criminal cases. However, the chart of the cases goes to show that except the present case, they are not convicted in any case. Though number of cases were registered against them, they were either discharged under section 169 of Cr.P.C. or they were acquitted by the trial Court for want of any evidence. The applicants have been in custody for a substantial long time. In view of these circumstances, I find that the bail may be granted to the applicants, pending hearing and disposal of the appeal.

2. For the aforesaid reasons, pending hearing and disposal of the appeal the applicants are granted bail

on same terms and conditions, as before the trial Court subject to their executing fresh bail bonds and depositing fine amount with further condition that they shall not misuse the bail and shall keep the police informed about their residential addresses.

(J.H. BHATIA, J.)